

Notice of Allowability	Application No.	Applicant(s)	
	10/634,081	WATANABE ET AL.	
	Examiner	Art Unit	
	Laura C. Hill	3761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendments and Response dated 15 August 2005.
2. ☒ The allowed claim(s) is/are 1-5.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael Gzybowski on 27 October 2005.

Replace the title to the following: Disposable Wearing Article for Fluid Distribution Having Filled Void, Density Gradient and Spacer Members.

Reasons for Allowance

Claims 1-5 are allowed.

The following is an examiner's statement of reasons for allowance: the art of record fails to disclose or obviate a disposable wearing article that has the following elements which act to spread bodily fluid to desired regions to prevent wearer feeling a wetness.

a) **Mizutani et al.** (US 5,578,024) discloses disposable absorbent pad 1 with fluid absorbent core/first panel 4 interposed between inner sheet 2 and outer sheet 3 (column 2, lines 43-45, figure 2), said inner sheet 2 having apertures/voids 14 that diffuse menstrual discharge longitudinally and transversely (column 3, lines 33-44, figure 3), a plurality of high and low density zones/narrow strips 10,11 comprising thermoplastic synthetic fibers located in inner sheet 2 and extending parallel to one another that contact the *upper surface* of first panel 4 (column 2, lines 59-67, figure 2).

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Mizutani does not disclose or provide any motivation to modify the structure to provide voids 14 located in the inner sheet *and* first absorbent panel and voids filled with a liquid-pervious and hydrophobic second panel/layer, to provide a plurality of narrow strips *extending beyond* a second liquid-pervious and hydrophobic second panel/layer, the narrow strips contacting the *lower* surface of first absorbent panel, or a hydrophobic liquid-pervious *spacer member* lying aside from the narrow strips toward the outer sheet.

b) Thompson (WO 93/01780 A1) discloses sanitary napkin 20 with a means to draw fluids through the top sheet and thereby enhancing the desired dry benefits during use (page 3, lines 1-3). Thompson further discloses an absorbent core/first panel 24 interposed between pervious top/inner sheet 22 and impervious back/outer sheet 23 (page 7, paragraph 2), slit/void in top of absorbent first panel filled with tuft of capillary channel fibers/second panel 26 (page 24, paragraph 5, figures 11 and 13) made of surface-treated hydrophilic synthetic polyethylene terephthalate polymer melt (page 18, lines 1-3, page 19, paragraph 2) for controlling fluid flow in the transverse direction (page 16, paragraph 4), aperture/void 77 in top of inner sheet 71 (page 33, paragraph 1, line 1), and transport layer/spacer member 21 located below inner sheet 22. Thompson does not disclose or provide any motivation to modify the structure to render the *second panel 26 liquid-pervious and hydrophobic*, to provide a plurality of narrow strips *extending beyond the second panel* with fibers having a *different density* than the first absorbent panel, or to provide narrow strips that contact a lower surface of the first absorbent panel.

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c) **Yamamoto et al.** (US 5,683,374) discloses undergarment 20 with absorbent pad 10 having a plurality of transversely alternating troughs 10a and crests 10b which permits liquid fecal material from flowing along the tops of the crests to avoid smearing of liquid fecal material on the absorbent pad (column 4, lines 26-29, column 3, lines 20-26, figure 3). Yamamoto et al. further discloses one-piece absorbent core 13 is made of a plurality of sections 14a having a high density alternating with a plurality of sections 14b having low density (column 4, lines 58-64). Yamamoto does not disclose or provide any motivation to modify the structure to provide a filled void, to modify the plurality of narrow strips to *extend beyond* an additional second liquid-pervious and hydrophobic panel, or to provide a plurality of alternating crests and troughs *located on* a first layer of a laminate that forms an additional second liquid-pervious and hydrophobic panel (Note Yamamoto does not disclose or obviate a laminate-style second panel as recited in Applicant's dependent claim 4).

d) **Drevik** (US 2002/0040212) discloses an absorbent disposable sanitary napkin 10 with spacing means 60 located between a plurality of alternating narrow barrier strips 46, 48 for creating fluid conducting channels 62 between the barrier strips 46, 48 and the top/inner sheet 36 in a direction from the center to the longitudinal sides of sanitary napkin 10 (page 3, paragraph 0029, figures 1 and 7). Drevik does not disclose or provide any motivation to modify the structure to provide a *hydrophobic and liquid-pervious* spacer *lying aside* from the narrow strips and *extending beyond* an additional second panel layer.

e) **Takai et al.** (US 2002/0026169) discloses a disposable absorbent wearing article with water absorbency increasing from the first fibrous layer to the third fibrous layer. Takai does not disclose or provide any motivation to modify the structure to provide a filled void or a hydrophobic liquid-pervious spacer member.

f) **Furuya et al.** (US 2002/0029024) discloses an absorbent article with hydrophilicity of the lower layer of continuous filaments higher than that of the upper layer of continuous filaments. Furuya does not disclose or provide any motivation to modify the structure to provide a filled void or a hydrophobic liquid-pervious spacer member.

g) **Trombetta et al.** (US 5,785,697) discloses absorbent composite web 10 for disposable sanitary products such as diaper 50 (column 1, lines 13-23, column 11, lines 16-18) with apertures 25 that are provided throughout the primary material/inner sheet 15 and are filled with synthetic and cellulose secondary material 20 (column 6, lines 56-58) to transport fluid way from the wearer and into an absorbent element (column 3, lines 37-67, column 4, lines 28-32, figure 1 and 5). Trombetta does not disclose or provide any motivation to modify the structure to provide a hydrophobic liquid-pervious spacer member that extends beyond a second liquid-pervious and hydrophobic second panel or a plurality of narrow strips.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C. Hill whose telephone number is 571-272-7137. The examiner can normally be reached on Monday through Friday (off every other Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Laura C. Hill
Examiner
Art Unit 3761

LCH



TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER

